

JUSTICE AND PUBLIC SAFETY CABINET
Department Of State Police
(Amendment)

502 KAR 45:015. Qualifications.

RELATES TO: KRS 16.040, 16.050, 16.080

STATUTORY AUTHORITY: KRS 16.040, 16.080

NECESSITY, FUNCTION, AND CONFORMITY: KRS 16.040 sets forth the basic qualifications for appointment as an officer. KRS 16.080 vests in the commissioner the authority to adopt administrative regulations for enlistment. This administrative regulation establishes the procedure to be used to determine whether applicants possess the basic qualifications for appointment as a trooper.

Section 1. Age. Applicants shall submit a birth certificate to establish that they meet the age qualification of KRS 16.040(2)(a).

Section 2. Citizenship and Residency. ~~(1) Applicants shall submit documentation verifying their citizenship and residency, in accordance with [a college transcript verifying sixty (60) semester hours of credit from an accredited college or university or a high school diploma or GED with a copy of their DD-214 reflecting two (2) years of active duty military service or a notarized letter from the law enforcement employer certifying two (2) years of full-time law enforcement employment as a sworn officer to establish the educational or experience qualification of]~~ KRS 16.040(2)(c)~~[(d)]~~.

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~~Section 3.] Applicants who are citizens of another country at the time of application shall submit naturalization certificates prior to employment to establish the citizenship qualification of KRS 16.040(2)(c).~~

~~(3)[Section 4.] Applicants who are citizens of another state at the time of application shall submit Kentucky motor vehicle operator's licenses prior to appointment to establish the residency qualification of KRS 16.040(2)(c).~~

Section 3.[Section 5.] Education and Experience. Applicants shall submit the following, electronically, or in paper form, pursuant to the requirements of KRS 16.040(2):

(1) A certified copy of their high school diploma or GED certificate to establish his or her educational experience qualifications,

(2) A certified copied of his or her college transcript verifying sixty (60) semester hours of credit from an accredited college or university,

(3) A certified copy of his or her DD-214 or a notarized letter from a commanding officer verifying two (2) years of active duty military service,

(4) A notarized correspondence on agency letterhead from the law enforcement employer certifying two (2) years of full-time, paid employment as a certified, sworn peace officer; or

(5) A notarized Kentucky State Police Three (3) Years Work Experience Verification Form (KSP-004a) certifying thirty-six (36) months of employment, volunteer work, or paid or unpaid internships, verifying having working an average minimum of thirty (30) hours per week or 130 hours per month,

(6) A notarized Kentucky State Police Three (3) Years Work Experience Verification Form (KSP-004a) certifying two (2) years of full time employment as a POPS certified peace officer with a Kentucky law enforcement agency, having actively served within the past twelve (12) months, when applying to a LEAP academy, as described in this Chapter.

Section 4. Aptitude Test. Applicants continuing in the selection process shall submit to an aptitude test [to a written examination] as described in this Chapter, designed and constructed to reveal the capacity of the applicant for employment as a sworn officer of the department. [Following the written examination the commissioner shall determine the number of applicants advancing to the next component of the selection process based upon the vacant funded positions and the projected attrition rates as candidates advance through the selection process.]

Section 5.[Section 6.] Physical Fitness Test. Applicants continuing in the selection process shall successfully complete the Physical Fitness Test (PFT), as described in this Chapter. [Following the written examination an appropriate number of applicants shall advance to the Content Based Task Test (CBTT)] to determine if [whether] the applicant is physically able to safely perform essential job tasks as required by the Kentucky State Police Academy. The inability to safely perform essential job tasks, with or without reasonable accommodations, shall be grounds for deferral or disqualification.

Section 6.[Section 7.] Interview. Applicants continuing in the selection process shall successfully complete [Following completion of the Content Based Task Test (CBTT) an appropriate number of applicants shall advance to] the oral interview component of the selection process, as described in this Chapter.

Section 7.[Section 8.] Background Investigation. Applicants continuing in the selection process [Following successful completion of the oral interview component of the selection process, an appropriate number of applicants] shall submit [advance] to a [the] background investigation, as described in this Chapter, [which may include a polygraph examination] to establish the good moral character qualification of KRS 16.040(2)(b).

Section 8.[Section 9.] Following successful completion of the background investigation component of the selection process an appropriate number of applicants shall be given a conditional offer of employment and required to submit to a medical examination and psychological examination to determine his or her good health and fitness to safely perform essential job tasks with or without reasonable accommodations, as required by KRS 16.040(2)(b) and (3).

Section 9. Incorporation by Reference. (1) KSP Form 004a, "Kentucky State Police Three (3) Years Work Experience Verification Form", 2019 edition, is incorporated by reference.

(2) It may be inspected, copied, or obtained at the Department of State Police, Recruitment Branch, 919 Versailles Road, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. and on the agency website kentuckystatepolice.org.

COL. PHILLIP J. BURNETT, JR., Commissioner

APPROVED BY AGENCY: August 24, 2021

FILED WITH LRC: August 25, 2021 at 4:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on 2:00 p.m. on November 23, 2021 at 4449 Kit Carson Drive, Funderburk Building, Richmond, Kentucky 40475. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to

attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 p.m. on November 30, 2021. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

CONTACT PERSON: Amy Barker, Assistant General Counsel, 125 Holmes Street, Frankfort, Kentucky 40601, phone (502) 564-8207, fax (502) 564-6686, email Justice.RegContact@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Amy Barker

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation establishes the procedure to be used to determine whether the applicant possesses basic qualifications for appointment as an officer.

(b) The necessity of this administrative regulation: This regulation is necessary to set forth the basic qualifications for appointment as an officer.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation conforms to the authorizing statutes by establishing and setting forth the organization of the department and qualifications required of all applicants.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation assists in the administration of the statute by establishing what the materials that must be submitted by each applicant, in addition to the criteria the applicant will be tested upon.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment allows the regulation to more accurately reflect the current educational and employment qualifications, as determined by the commissioner and pursuant to KRS 16.040(2)(d). The amendment also reflects changes in the testing and the order the testing is administered.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to accurately reflect the qualifications required of each applicant, and to forego any unnecessary ambiguity.

(c) How the amendment conforms to the content of the authorizing statutes: The regulation continues to conform to the authorizing statute by establishing and setting forth the organization of the department and qualifications required of all applicants.

(d) How the amendment will assist in the effective administration of the statutes: This regulation continues to assist in the administration of the statute by establishing the necessary qualifications an applicant must meet prior to becoming prior to being appointed as an officer.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The Kentucky State Police, applicants to become cadet troopers.

(4) Provide an analysis of how the entities identified in the previous question will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

- (a) List the actions each of the regulated entities have to take to comply with this regulation or amendment: No new actions must be taken on behalf of the regulated entities.
- (b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: Nothing.
- (c) As a result of compliance, what benefits will accrue to the entities: The amendment allows the regulation to more accurately reflect the current practices of the department.
- (5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
- (a) Initially: Nothing.
- (b) On a continuing basis: Nothing.
- (6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Not applicable.
- (7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase is necessary.
- (8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: The amendment of this regulation does not establish any new fees or increase any current fees, directly or indirectly.
- (9) TIERING: Is tiering applied? No. Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

- (1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Kentucky State Police and applicants to become cadet troopers.
- (2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 16.040, 16:050, 16.080
- (3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.
- (a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None.
- (b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None.
- (c) How much will it cost to administer this program for the first year? Nothing.
- (d) How much will it cost to administer this program for subsequent years? Nothing.
- Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.
- Revenues (+/-): None.
- Expenditures (+/-): None.
- Other Explanation: None.